



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**VIA ELECTRONIC AND FIRST CLASS MAIL**

**APR 10 2018**

Laurence Gold, Esq.  
Trister, Ross, Schadler & Gold, PLLC  
1666 Connecticut Avenue N.W.  
Fifth Floor  
Washington, D.C. 20009  
[LGold@tristerross.com](mailto:LGold@tristerross.com)

Renata Strause, Esq.  
Workers' Voice  
815 16<sup>th</sup> Street N.W.  
Washington, D.C. 20006  
[RStrause@aflicio.org](mailto:RStrause@aflicio.org)

RE: MUR 7285  
Worker's Voice and Elizabeth Shuler  
in her official capacity as treasurer

Dear Mr. Gold and Ms. Strause:

On April 4, 2018, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 52 U.S.C. § 30104(g)(1), a provision of the Federal Election Campaign Act of 1971, as amended (the "Act") and 11 C.F.R. § 104.4(b) and (c) of the Commission regulations. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1618.

1804441415

Sincerely,

A handwritten signature in black ink that reads "Kimberly D. Hart". The signature is written in a cursive style with a large initial "K".

Kimberly D. Hart  
Attorney

Enclosure  
Conciliation Agreement

1880444441216

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3 In the Matter of )

4 Workers' Voice and Elizabeth Shuler )  
in her official capacity as treasurer )

MUR 7285

5 **CONCILIATION AGREEMENT**

6  
7 This matter was initiated pursuant to information ascertained by the Federal Election  
8 Commission (the "Commission") in the normal course of carrying out its supervisory  
9 responsibilities. The Commission found reason to believe that Workers' Voice and Elizabeth  
10 Shuler in her official capacity as treasurer (together, "Respondent" or "Committee") violated  
11 52 U.S.C. § 30104(g)(1) and 11 C.F.R. § 104.4(b) and (c).

12 NOW, THEREFORE, the Commission and the Respondent, having participated in  
13 informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree  
14 as follows:

15 I. The Commission has jurisdiction over the Respondent and the subject matter of  
16 this proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C.  
17 § 30109(a)(4)(A)(i) (formerly 2 U.S.C. § 437g(a)(4)(A)(i)).

18 II. Respondent has had a reasonable opportunity to demonstrate that no action should  
19 be taken in this matter.

20 III. Respondent enters voluntarily into this agreement with the Commission.

21 IV. The pertinent facts in this matter are as follows:

22 1. The Committee is a federal non-connected independent expenditure only political  
23 committee. Elizabeth Shuler is the Committee's treasurer of record.

24 2. The Federal Election Campaign Act (the "Act") requires committee treasurers to

1 file reports of receipts and disbursements in accordance with the provisions of 52 U.S.C  
2 § 30104(b).<sup>1</sup> This requirement includes reporting contributions received and independent  
3 expenditures made by political committees other than authorized committees.<sup>2</sup>

4 3. Further, political committees that make or contract to make independent  
5 expenditures aggregating \$10,000 or more with respect to a given election any time during the  
6 calendar year – up to and including the 20<sup>th</sup> day before an election – must disclose the activity  
7 within 48 hours following the date of public distribution or dissemination.<sup>3</sup> In addition, political  
8 committees must file additional reports within 48 hours after each time they make or contract to  
9 make independent expenditures aggregating an additional \$10,000 related to the same election.<sup>4</sup>  
10 Political committees that make or contract to make independent expenditures aggregating \$1,000  
11 or more with respect to a given election after the 20<sup>th</sup> day, but more than 24 hours, before the  
12 date of that election, must disclose them within 24 hours following the date of dissemination.<sup>5</sup> In  
13 addition, political committees must file additional reports within 24 hours after each time they  
14 make or contract to make independent expenditures aggregating an additional \$1,000 related to  
15 the same election.<sup>6</sup>

16 4. The Commission found reason to believe that the Committee failed to timely file  
17 one hundred eighteen (118) 24- and 48-Hour reports to support one thousand nine hundred

---

1 52 U.S.C. § 30104(a)(1).

2 52 U.S.C. §§ 30104(b)(2)(A) and (D), (4)(H)(iii); 11 C.F.R. §§ 104.3(a)(2)(i) and (iii), (b)(1)(vii), 104.4(a).

3 52 U.S.C. § 30104(g)(2)(A); 11 C.F.R. § 104.4(b)(2).

4 52 U.S.C. § 30104(g)(2)(B); 11 C.F.R. § 104.4(b)(2).

5 52 U.S.C. § 30104(g)(1); 11 C.F.R. § 104.4(c).

6 11 C.F.R. § 104.4(c).

18004444-118

1 twenty-two (1,922) independent expenditures totaling \$527,990.11 disclosed on its Amended  
2 October 2012 Quarterly, Amended 2012 12 Day Pre-General and Amended 2012 30 Day Post-  
3 General Reports. In addition, the Commission found reason to believe that the Committee failed  
4 to timely file twenty-three (23) 24- and 48-Hour Reports to support one hundred ninety-two  
5 (192) independent expenditures totaling \$182,561.70 disclosed on its Amended 2014 30 Day  
6 Post-General and 2014 October Quarterly Reports. A portion of these independent expenditures  
7 were direct monetary disbursements by the Committee, and a portion were non-monetary  
8 disbursements that were reported in order to offset in-kind contributions received by the  
9 Committee in the form of personnel paid by other organizations to conduct door to door  
10 canvassing and telephone banks for the Committee.

11 5. The Committee acknowledges that it did not timely file 24- and 48-Hour Reports  
12 for the independent expenditures made in 2012 and 2014 that resulted from its own direct  
13 disbursements (as distinct from its reported offsetting disbursements).

14 6. In response to the Commission's referral of these matters, Respondents contended  
15 that 24- and 48-hour reports for the in-kind independent expenditures were not required because,  
16 they believed, the Commission's campaign guides and instructions to Form 3X set forth that all  
17 such in-kind expenditures be reported on Schedule B as operating expenditures rather than on  
18 Schedule E as independent expenditures. The Commission rejected this contention in finding  
19 reason to believe that Respondent's reports of the offsetting disbursements were untimely.

20 7. The Committee further contends that: all late reporting in 2012 and 2014 was  
21 inadvertent and unintentional; the late reported independent expenditures comprised less than ten  
22 percent of the Committee's total independent expenditure activity in each election cycle; and,  
23 soon after the 2012 election cycle concluded, and, unprompted by Commission inquiries or

1 action, the Committee undertook a significant effort to improve its overall compliance  
2 procedures with respect to the Act.

3 V.1. Respondent violated 52 U.S.C. § 30104(g)(1) (formerly 2 U.S.C. § 434(g)(1)) and  
4 11 C.F.R. § 104.4(b) and (c) by failing to timely file appropriate 24-and 48-Hour Reports of  
5 independent expenditures with respect to its direct disbursements.

6 2. Solely for the purpose of settling this matter expeditiously and avoiding the expense of  
7 litigation, and without admission other than as set forth in paragraph IV(5) and paragraph V(1),  
8 Respondent does not contest the Commission's findings with respect to its offsetting  
9 disbursements for in-kind contributions received.

10 VI. Respondent agrees to take the following actions:

11 1. Respondent will pay a civil penalty to the Commission in the amount of  
12 Thirty-Three Thousand Dollars (\$33,000) pursuant to 52 U.S.C. § 30109(a)(5)(A) (formerly  
13 2 U.S.C. § 437g(a)(5)(A).

14 2. Respondent will cease and desist from committing violations of 52 U.S.C.  
15 § 30104(g)(1) (formerly 2 U.S.C. § 434(g)(1)) and 11 C.F.R. § 104.4(b) and (c).

16 VII. The Commission, on request of anyone filing a complaint under 52 U.S.C.  
17 § 30109(a)(1) (formerly 2 U.S.C. § 437g(a)(1)) concerning the matters at issue herein or on its  
18 own motion, may review compliance with this agreement. If the Commission believes that this  
19 agreement or any requirement thereof has been violated, it may institute a civil action for relief  
20 in the United States District Court for the District of Columbia.

21 VIII. This agreement shall become effective as of the date that all parties hereto have  
22 executed same and the Commission has approved the entire agreement.

CONFIDENTIAL

1 IX. Respondent shall have no more than 30 days from the date this agreement  
2 becomes effective to comply with and implement the requirements contained in this agreement  
3 and to so notify the Commission.

4 X. This Conciliation Agreement constitutes the entire agreement between the parties  
5 resolving the matters raised herein, and no other statement, promise, or agreement, either written  
6 or oral, made by either party or by agents of either party, that is not contained in this written  
7 agreement shall be enforceable.

8 FOR THE COMMISSION:

9 BY: Kathleen Guith  
10 Kathleen Guith  
11 Associate General Counsel  
12 for Enforcement

4/6/18  
Date

13  
14 FOR THE RESPONDENT:

15 BY: Laurence E. Gold  
16 Laurence E. Gold  
17 Co-Counsel for Respondent

3/19/18  
Date

18  
19 Renata Strause  
20 Renata Strause  
21 Co-Counsel for Respondent  
22

3/19/18  
Date